

1 vehicle fuel is placed in any tank or other container from which sales or deliveries  
2 not involving transportation of the motor vehicle fuel are made directly.

3 **SECTION 1507.** 78.07 (1a) of the statutes is created to read:

4 78.07 (1a) Motor vehicle fuel shipped by pipeline spur to an airport hydrant  
5 system is received when the motor vehicle fuel is received from the main pipeline into  
6 the initial or primary storage facility or holding terminal by the owner of the storage  
7 facility or holding terminal.

8 **SECTION 1508.** 78.07 (3) of the statutes is amended to read:

9 78.07 (3) Except as provided in ~~sub.~~ subs. (1) and (1a), motor vehicle fuel  
10 imported is received at the time and place of unloading by the person for whose  
11 account that shipment or delivery is made.

12 **SECTION 1509.** 78.68 (10) of the statutes is amended to read:

13 78.68 (10) Except as provided in ss. 78.19, 78.20 (2) and 78.75 (1m) (b), s. 71.75  
14 (2), and (4) to (7) and (10) as it applies to the taxes under ch. 71 applies to the taxes  
15 under this chapter. ~~Section~~ Sections 71.74 (13), 71.75 (9) and (10), 71.80 (3), 71.93,  
16 71.935, and 73.03 (52), (52m), and (52n), as it applies they apply to refunds of the  
17 taxes under ch. 71 ~~applies~~ apply to the refund of the taxes under this chapter.

18 **SECTION 1510.** 79.05 (6) (a) of the statutes is amended to read:

19 79.05 (6) (a) If a municipality transfers to another governmental unit  
20 responsibility for providing any service that the municipality provided in the  
21 preceding year, its budget for the preceding year shall be decreased to reflect the cost  
22 that the municipality incurred to provide that service, as determined by the  
23 department of revenue, except that, if the municipality makes payments to the other  
24 governmental unit for providing the service, pursuant to a contract, the amount of

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1 the payments are included in its budget for the year the payments are made for the  
2 purpose of determining eligibility under sub. (2) (c).

3 **SECTION 1511.** 79.05 (6) (b) of the statutes is amended to read:

4 79.05 (6) (b) If a municipality increases the services that it provides by adding  
5 responsibility for providing a service transferred to it from another governmental  
6 unit in any year, its budget for the preceding year shall be increased to reflect the cost  
7 of that service, as determined by the department of revenue, except that, if the  
8 municipality receives payments from the other governmental unit for providing the  
9 service, pursuant to a contract, the amount of the payments are not included in its  
10 budget for the year in which the payments are received for the purpose of  
11 determining eligibility under sub. (2) (c).

12 **SECTION 1512.** 79.095 (2) (a) of the statutes is amended to read:

13 79.095 (2) (a) On or before May 1 the 2nd Monday in June, the value of the  
14 property that is exempt under s. 70.11 (39) and (39m) in each taxing jurisdiction for  
15 which the municipality assesses property.

16 **SECTION 1513.** 79.095 (4) of the statutes is amended to read:

17 79.095 (4) PAYMENT. The department shall calculate the payments due each  
18 taxing jurisdiction under this section by multiplying the full value as of the January  
19 1 of the preceding year of the property that is exempt under s. 70.11 (39) and (39m)  
20 and that is located in the jurisdiction by the full-value gross tax rate of the  
21 jurisdiction for the preceding year. The department shall certify the amount of the  
22 payment due each taxing jurisdiction to the department of administration, which  
23 shall make the payments on or before ~~the first Monday in May~~ except that, beginning  
24 ~~in 2007, the department of administration shall make the payments on or before the~~  
25 4th Monday in July. For purposes of ch. 121, school districts shall treat the payments

1 made in July under this subsection as if they had been received in the previous school  
2 year.

3 **SECTION 1514.** 79.10 (4) of the statutes is amended to read:

4 79.10 (4) SCHOOL LEVY TAX CREDIT. Except as provided in sub. (5m), the ~~amounts~~  
5 amount appropriated under s. 20.835 (3) (b) ~~and (qb)~~ shall be distributed to  
6 municipalities in proportion to their share of the sum of average school tax levies for  
7 all municipalities.

8 **SECTION 1515.** 83.015 (2) (b) of the statutes is amended to read:

9 83.015 (2) (b) In any county with a highway commissioner appointed under s.  
10 83.01 (1) (b) or (c), the county highway committee shall be only a policy-making body  
11 determining the broad outlines and principles governing administration and the  
12 county highway commissioner shall have the administrative powers and duties  
13 prescribed for the county highway committee under par. (a), sub. (3) (a) and ss.  
14 27.065 (4) (b) and (13), 32.05 (1) (a), 82.08, 83.01 (6), 83.013, 83.018, 83.025 (1) and  
15 (3), 83.026, 83.035, 83.04, 83.05 (1), 83.07 to 83.09, 83.12, 83.14 (6), 83.17, 83.18,  
16 83.42 (3) and (4), 84.01 (5), 84.06 (3), 84.07 (1) and (2), 84.09 (1), (3) (a) to (c) and (4),  
17 84.10 (1), 86.04 (1) and (2), 86.07 (2), 86.19 (3), 86.34 ~~(1)~~ (1m), 114.33 (5), 349.07 (2),  
18 349.11 (4) and (10) and 349.15 (2). No statutory power, duty or function specified  
19 elsewhere for the county highway commissioner may be deemed impliedly repealed  
20 for the sole reason that reference to it has been omitted in this paragraph.

21 **SECTION 1516.** 84.01 (30) (g) 3. of the statutes is amended to read:

22 84.01 (30) (g) 3. Notwithstanding any other statute except ss. 13.48 (14) (am)  
23 and 16.848 (1), the department may sell, at the appraised value, the real estate upon  
24 which a park-and-ride facility is or may be located, if the department determines  
25 that the sale is in the best interests of the public and the department determines that

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1 the real estate will be used in a manner consistent with the state's transportation  
2 interests.

3 **SECTION 1517.** 84.01 (33) (intro.) of the statutes is amended to read:

4 84.01 **(33)** HIGHWAY PROJECT DESIGN INVENTORY. (intro.) By July 1, 2014, and  
5 continuously thereafter, the department shall maintain an inventory of completed  
6 designs for highway projects such that the estimated costs of the inventory of projects  
7 for each program is not less than ~~65~~ 20 percent of the annual amount of funding  
8 provided to each program. The department shall maintain an inventory for each of  
9 the following:

10 **SECTION 1518.** 84.01 (36) of the statutes is created to read:

11 84.01 **(36)** SPONSORSHIP AND PARTNERSHIP AGREEMENTS. (a) In this subsection:

12 1. "Partner" means any person, whether public or private, that enters into an  
13 agreement with the department under par. (c).

14 2. "Sponsor" means any person, whether public or private, that enters into an  
15 agreement with the department under par. (b).

16 (b) Notwithstanding ss. 86.19 (1) and 86.191 (1), the department may enter into  
17 sponsorship agreements under which the department displays advertising,  
18 promotional, or sponsorship material, or other information, associated with the  
19 sponsor at locations owned or controlled by the department in exchange for the  
20 sponsor's payment of fees or provision of services to the department.

21 (c) Notwithstanding s. 84.25 (11), the department may enter into partnership  
22 agreements under which the department authorizes a partner to engage in  
23 commercial activity at locations owned or controlled by the department in exchange  
24 for the partner's payment of fees or provision of services to the department.

1 (d) All fees received under this subsection shall be deposited in the general fund  
2 and credited to the appropriation account under s. 20.395 (3) (eg).

3 (e) For each agreement under par. (b) or (c), the contract shall be awarded on  
4 the basis of competitive proposals in accordance with procedures established by the  
5 department. Requests for proposals shall be advertised in the manner determined  
6 by the department. Each contract shall be awarded to the person submitting the  
7 most advantageous competitive proposal as determined by the department. If the  
8 proposal of the person submitting the most advantageous competitive proposal is  
9 determined by the department to be less than the estimated reasonable value to the  
10 department or not in the public interest, the department may reject all proposals.  
11 The secretary shall enter into each contract on behalf of the state. Every such  
12 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87, and 16.89, but  
13 ss. 16.528, 16.752, 16.753, and 16.754 apply to the contract.

\*\*\*\*NOTE: This draft omits reconciled s. 84.07 (1). The treatment of s. 84.07 (1) that  
previously appeared in LRB-0161 has been added to LRB-0254.

14 **SECTION 1519.** 84.013 (3) (ak) of the statutes is repealed.

15 **SECTION 1520.** 84.013 (3) (dm) of the statutes is repealed.

16 **SECTION 1521.** 84.013 (3) (kb) of the statutes is repealed.

17 **SECTION 1522.** 84.013 (3) (pe) of the statutes is repealed.

18 **SECTION 1523.** 84.013 (3) (rg) of the statutes is repealed.

19 **SECTION 1524.** 84.013 (3) (rp) of the statutes is repealed.

20 **SECTION 1525.** 84.013 (3) (te) of the statutes is repealed.

21 **SECTION 1526.** 84.013 (3) (tg) of the statutes is repealed.

22 **SECTION 1527.** 84.013 (3) (tm) of the statutes is repealed.

23 **SECTION 1528.** 84.013 (3) (tp) of the statutes is repealed.

**SECTION 1529.** 84.013 (3) (tv) of the statutes is repealed.

**SECTION 1530.** 84.013 (3) (tx) of the statutes is repealed.

**SECTION 1531.** 84.013 (3) (wg) of the statutes is repealed.

**SECTION 1532.** 84.013 (3) (yd) of the statutes is repealed.

**SECTION 1533.** 84.013 (3m) (a) of the statutes is repealed.

**SECTION 1534.** 84.013 (3m) (b) of the statutes is repealed.

**SECTION 1535.** 84.014 (5r) of the statutes is repealed.

**SECTION 1536.** 84.0145 (2) of the statutes is amended to read:

84.0145 (2) Subject to sub. (3) and s. 86.255, any southeast Wisconsin freeway megaproject may be funded only from the appropriations under ss. 20.395 (3) (aq), (av), (ax), and (ct) and 20.866 (2) (uup) and (uur).

**SECTION 1537.** 84.017 (2) of the statutes is amended to read:

84.017 (2) Subject to sub. (3) and s. 86.255, any high-cost state highway bridge project may be funded only from the appropriations under ~~s. ss.~~ 20.395 (3) (dr), (dw), and (dy) and 20.866 (2) (uup).

\*\*\*\*NOTE: This draft omits reconciled s. 84.555 (1m). The treatment of s. 84.555 (1m) that previously appeared in LRB-0612 has been added to LRB-1169.

**SECTION 1538.** 84.02 (5) (a) of the statutes is amended to read:

84.02 (5) (a) As often as it deems necessary, the department shall publish highway service maps showing the state trunk highway system and such other main highways and other features as may seem desirable. Such highway service maps shall be sold by the department at a price to be fixed by it, which shall be not less than cost. The department may permit the use of the base plates its digital base map data for other maps and publications ~~in consideration of~~ and may charge a fair fee for such use. The department shall make and publish or duplicate such highway service

1 maps as are required for its use, and, ~~in only one fiscal year of each fiscal biennium,~~  
2 shall publish folded highway maps of Wisconsin for free distribution to the public.  
3 The department shall ensure that the folded highway maps bear information  
4 regarding the requirements of s. 347.48 (4).

5 **SECTION 1539.** 84.06 (1) of the statutes is renumbered 84.06 (1) (intro.) and  
6 amended to read:

7 84.06 (1) DEFINITIONS. (intro.) In this section:

8 (a) Subject to par. (b), “improvement” or “highway improvement” includes  
9 construction, all of the following:

10 1. Construction, reconstruction, rehabilitation, and processes incidental to  
11 building, fabricating, or bettering a highway or street, ~~but not maintenance. The~~  
12 ~~terms do not include the.~~

13 (b) 2. The installation, replacement, rehabilitation, or maintenance of highway  
14 signs, ~~traffic control signals,~~ highway lighting, or pavement markings, or the  
15 maintenance of traffic control signals or intelligent transportation systems, unless  
16 incidental to building, fabricating, or bettering a highway or street.

17 **SECTION 1540.** 84.06 (1) (a) 2. of the statutes is created to read:

18 84.06 (1) (a) 2. Highway operations or activities that are life-cycle or  
19 investment driven and that are based on an asset management philosophy in which  
20 taking action adds service life by preventing or delaying deterioration of highway  
21 system functionality.

22 **SECTION 1541.** 84.06 (1) (b) (intro.) and 1. of the statutes are created to read:

23 84.06 (1) (b) (intro.) “Improvement” or “highway improvement” does not  
24 include any of the following:

25 1. Maintenance activities described in s. 84.07 (1).

1           **SECTION 1542.** 84.06 (13) of the statutes is created to read:

2           **84.06 (13) CERTAIN EXPENDITURES LIMITED.** The department may not encumber  
3 or expend, from the appropriations under s. 20.395 (3) (aq), (cq), and (cr), more than  
4 a total of \$20,000,000 in any fiscal year for the installation, replacement, or  
5 rehabilitation, not incidental to another highway improvement, of traffic control  
6 signals and intelligent transportation systems.

7           **SECTION 1543.** 84.07 (1) of the statutes is amended to read:

8           **84.07 (1)** ~~STATE EXPENSE; WHEN DONE BY COUNTY OR MUNICIPALITY~~ ROUTINE  
9 MAINTENANCE. ~~The~~ Subject to sub. (1r), the state trunk highway system shall be  
10 maintained by the state at state expense. The department shall prescribe by rule  
11 specifications for such maintenance and may contract with any county highway  
12 committee or municipality to have all or certain parts of the work of maintaining the  
13 state trunk highways within or beyond the limits of the county or municipality,  
14 including interstate bridges, performed by the county or municipality, and any  
15 county or municipality may enter into such contract. ~~General maintenance~~  
16 Maintenance activities include the application of protective coatings, the removal  
17 and control of snow, the removal, treatment and sanding of ice, interim repair of  
18 highway surfaces and adjacent structures, and all other operations, activities and  
19 processes required on a regular, continuing basis for the preservation of the  
20 highways on the state trunk system, and including the care and protection of trees  
21 and other roadside vegetation and suitable planting to prevent soil erosion or to  
22 beautify highways pursuant to s. 66.1037, and all routine measures deemed  
23 necessary to provide adequate traffic service. ~~Special maintenance activities include~~  
24 ~~the restoration, reinforcement, complete repair or other activities which the~~  
25 ~~department deems are necessary on an individual basis for specified portions of the~~



1 ~~state trunk system.~~ Maintenance activities also include the installation,  
2 replacement, rehabilitation, or maintenance of highway signs, ~~traffic control signals,~~  
3 highway lighting, and pavement markings, and the maintenance of traffic control  
4 signals and intelligent transportation systems. The department may contract with  
5 a private entity for services or materials or both associated with the installation,  
6 replacement, rehabilitation, or maintenance of highway signs, ~~traffic control signals,~~  
7 highway lighting, and pavement markings, and the maintenance of traffic control  
8 signals and intelligent transportation systems.

\*\*\*\*NOTE: This is reconciled s. 84.07 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB-0254 and LRB-0161. In this draft, I added text from LRB-0161.

9 **SECTION 1544.** 84.07 (1r) of the statutes is created to read:

10 84.07 (1r) SPONSORSHIP AND PARTNERSHIP AGREEMENTS. The department may  
11 enter into sponsorship and partnership agreements under s. 84.01 (36) that require  
12 the sponsor or partner to perform maintenance activities, in accordance with the  
13 department's standards, for the benefit of the department.

14 **SECTION 1545.** 84.07 (2) of the statutes is renumbered 84.07 (2) (a) and  
15 amended to read:

16 84.07 (2) (a) ~~When~~ Except as provided in par. (b), when any county or  
17 municipality maintains the state trunk highways within or beyond the limits of the  
18 county or municipality, including interstate bridges, in compliance with the  
19 arrangement with the department, the department shall pay the actual cost of the  
20 maintenance, including the allowance for materials and the use of county or  
21 municipal machinery and overhead expenses agreed upon in advance. ~~The~~ Except  
22 as provided in par. (b), the payments shall be made upon presentation by the county  
23 highway committee or municipal clerk of a properly itemized and verified account.

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1     The For payments made under this paragraph, the county highway committee or  
2     municipal clerk shall present the itemized accounts for ~~general~~ maintenance work  
3     no later than one month following the period during which the work is performed.

4             **SECTION 1546.** 84.07 (2) (b) of the statutes is created to read:

5             84.07 (2) (b) When any county or municipality maintains the state trunk  
6     highways within or beyond the limits of the county or municipality, including  
7     interstate bridges, in compliance with the arrangement with the department, the  
8     department and the county or municipality may agree to a payment method and  
9     terms other than that specified in par. (a), including payment according to a contract  
10    price for maintenance services rather than payment of the actual cost of the  
11    maintenance.

12            **SECTION 1547.** 84.09 (1) of the statutes is amended to read:

13            84.09 (1) The department may acquire by gift, devise, purchase or  
14    condemnation any lands for establishing, laying out, widening, enlarging,  
15    extending, constructing, reconstructing, improving and maintaining highways and  
16    other transportation related facilities, or interests in lands in and about and along  
17    and leading to any or all of the same; and after establishment, layout and completion  
18    of such improvements, the department may, subject to any prior action under s. 13.48  
19    (14) (am) or 16.848 (1), convey such lands thus acquired and not necessary for such  
20    improvements, with reservations concerning the future use and occupation of such  
21    lands so as to protect such public works and improvements and their environs and  
22    to preserve the view, appearance, light, air and usefulness of such public works.  
23    Whenever the department deems it necessary to acquire any such lands or interests  
24    therein for any transportation related purpose, it shall so order and in such order or  
25    on a map or plat show the old and new locations and the lands and interests required,

1 and shall file a copy of the order and map with the county clerk and county highway  
2 committee of each county in which such lands or interests are required or, in lieu of  
3 filing a copy of the order and map, may file or record a plat in accordance with s.  
4 84.095. For the purposes of this section the department may acquire private or public  
5 lands or interests in such lands. When so provided in the department's order, such  
6 land shall be acquired in fee simple. Unless it elects to proceed under sub. (3), the  
7 department shall endeavor to obtain easements or title in fee simple by conveyance  
8 of the lands or interests required at a price, including any damages, deemed  
9 reasonable by the department. The instrument of conveyance shall name the state  
10 as grantee and shall be recorded in the office of the register of deeds. The purchase  
11 or acquisition of lands or interests therein under this section is excepted and exempt  
12 from s. 20.914 (1). The department may purchase or accept donations of remnants  
13 of tracts or parcels of land existing at the time or after it has acquired portions of such  
14 tracts or parcels by purchase or condemnation for transportation purposes where in  
15 the judgment of the department such action would assist in making whole the  
16 landowner, a part of whose lands have been taken for transportation purposes and  
17 would serve to minimize the overall costs of such taking by the public. ~~This~~  
18 ~~subsection does not apply to lands that are sold under s. 16.848.~~

19 **SECTION 1548.** 84.09 (5) (a) of the statutes is amended to read:

20 84.09 (5) (a) Subject to pars. (b) and (c) and any prior action under s. 13.48 (14)  
21 (am) or 16.848 (1), and subject to the approval of the governor, the department may  
22 sell at public or private sale property of whatever nature owned by the state and  
23 under the jurisdiction of the department when the department determines that the  
24 property is no longer necessary for the state's use for transportation purposes and,  
25 if real property, the real property is not the subject of a petition under s. 16.310 (2).

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1 The department shall present to the governor a full and complete report of the  
2 property to be sold, the reason for the sale, and the minimum price for which the same  
3 should be sold, together with an application for the governor's approval of the sale.  
4 The governor shall thereupon make such investigation as he or she may deem  
5 necessary and approve or disapprove the application. Upon such approval and  
6 receipt of the full purchase price, the department shall by appropriate deed or other  
7 instrument transfer the property to the purchaser. The approval of the governor is  
8 not required for public or private sale of property having an appraised value at the  
9 time of sale of not more than \$15,000, for the transfer of surplus state real property  
10 to the department of administration under s. 16.310, or for the transfer of surplus  
11 state personal property to the department of tourism under sub. (5s). The funds  
12 derived from sales under this subsection shall be deposited in the transportation  
13 fund, and the expense incurred by the department in connection with the sale shall  
14 be paid from such fund.

15 **SECTION 1549.** 84.09 (5) (c) 1. (intro.) of the statutes is amended to read:

16 84.09 (5) (c) 1. (intro.) ~~Prior~~ Subject to any prior action under s. 13.48 (14) (am)  
17 or 16.848 (1), prior to conducting a public sale on a generally marketable surplus land  
18 parcel under par. (b), the department shall contact the county, municipality, and the  
19 local school district where the land parcel is located and the department of natural  
20 resources to solicit interest in acquiring the parcel for public use. Upon notification  
21 from the department, the county, municipality, local school district, and department  
22 of natural resources must respond to the department, stating their interest in the  
23 land for public use, within 60 days. Failure to respond within 60 days constitutes  
24 noninterest in the land parcel.

25 **SECTION 1550.** 84.09 (5) (c) 2. (intro.) of the statutes is amended to read:

1           84.09 (5) (c) 2. (intro.) Except as provided in subd. 2m. and subject to any prior  
2 action under s. 13.48 (14) (am) or 16.848 (1), if a county, a municipality, a local school  
3 district, or the department of natural resources expresses interest in acquiring the  
4 land for public use, the department shall offer the county, municipality, local school  
5 district, or department of natural resources the property at its appraised value if all  
6 of the following are true:

7           **SECTION 1551.** 84.09 (5) (c) 2m. (intro.) of the statutes is amended to read:

8           84.09 (5) (c) 2m. (intro.) If a county, municipality, or a local school district  
9 expresses interest in acquiring the land for public use related to transportation or  
10 infrastructure, the department may, subject to any prior action under s. 13.48 (14)  
11 (am) or 16.848 (1), offer the county, municipality, or the local school district the  
12 property, for less than the appraised value of the property, if all of the following are  
13 true:

14           **SECTION 1552.** 84.09 (5m) of the statutes is amended to read:

15           84.09 (5m) Subject to the approval of the governor in the manner, scope, and  
16 form provided by sub. (5) (a), and subject to any prior action under s. 13.48 (14) (am)  
17 or 16.848 (1), the department may convey lands or interests therein acquired  
18 pursuant to this section and improvements installed thereon to municipalities  
19 within whose limits such lands or interests therein are located. The conveyance of  
20 said lands or interests therein and improvements shall restrict the use of the  
21 premises by the municipality to the uses for which they were acquired, except that  
22 said lands or interests therein declared by the department to be excess may be so  
23 conveyed without restrictions as to use. This subsection shall apply only to the sale  
24 of property acquired by the department for a project that is completed before May 25,  
25 2006. The department may sell property that is acquired by the department for a

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1 project that is completed after May 25, 2006, to a municipality under sub. (5) (c), as  
2 applicable.

3 **SECTION 1553.** 84.09 (6) of the statutes is amended to read:

4 84.09 (6) Lands Subject to any prior action under s. 13.48 (14) (am) or 16.848  
5 (1), lands held by any other state department or independent agency may, with the  
6 approval of the governor, be conveyed to the department in the manner prescribed  
7 by statute and, if none is prescribed, then by a conveyance authorized by appropriate  
8 order or resolution of the head of the department or independent agency concerned.

9 **SECTION 1554.** 84.09 (9) of the statutes is repealed.

10 **SECTION 1555.** 84.29 (5) of the statutes is amended to read:

11 84.29 (5) CONSTRUCTION OF GRADE SEPARATIONS AT INTERSECTIONS. In the  
12 furtherance of the public interest and general welfare of the state and the traveling  
13 public in the development of the interstate system, the department is authorized and  
14 empowered to construct grade separations at intersections of any interstate highway  
15 with other public highways and railroads and to change and adjust the lines of public  
16 highways and if necessary combine or relocate the same to adjust traffic service to  
17 grade separation structures. The entire cost of grade separations and relocations  
18 and alterations of local roads as so determined by the department shall be a part of  
19 the construction of and financed as a part of the cost of the interstate highway. The  
20 department may by agreement with a county or municipality or by order summarily  
21 vacate or relocate any town, county, city or village highway as part of the construction  
22 of an interstate highway but shall pay any damage legally payable under existing  
23 law to any property owner directly injured by the vacation or relocation of such street  
24 or highway. The department is empowered to enter into agreement with the unit of  
25 government having jurisdiction over the local highway relocated or altered as a part

1 of the interstate highway improvement with respect to maintenance thereof, and in  
2 the absence of mutual agreement to the contrary, such relocated or altered highway  
3 shall be maintained by the unit of government having jurisdiction thereof before it  
4 was so relocated or altered, except any parts thereof which the department  
5 determines to be useful in the operation of or for access to the interstate highway,  
6 which parts shall be maintained by the state, subject to s. 84.07 (1r), as a part of the  
7 interstate highway. The action by the department relative to vacation and relocation  
8 or combining a public highway under jurisdiction of any county, town, city or village  
9 shall be conclusive.

10 **SECTION 1556.** 84.295 (6) of the statutes is amended to read:

11 84.295 (6) CONSTRUCTION OF GRADE SEPARATIONS AT INTERSECTIONS. In the  
12 furtherance of the public interest and general welfare of the state and the traveling  
13 public in the development of freeways or expressways, the department is authorized  
14 and empowered to construct grade separations at intersections of any freeway or  
15 expressway with other public highways and railroads and to change and adjust the  
16 lines of public highways and if necessary combine, relocate or extend the same to  
17 adjust traffic service to grade separation structures. The entire cost of grade  
18 separations and relocations, alterations or extensions of local roads as so determined  
19 by the department shall be a part of the construction of and financed as a part of the  
20 cost of the freeway or expressway. The department may by agreement with a county  
21 or municipality or by order summarily vacate or relocate any town, county, city or  
22 village highway as part of the construction of a freeway or expressway but shall pay  
23 any damage legally payable under existing law to any property owner directly  
24 injured by the vacation or relocation of such street or highway. The department is  
25 empowered to enter into agreement with the units of government having jurisdiction

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1 over a local highway relocated, altered or extended as a part of the freeway or  
2 expressway improvement with respect to maintenance thereof, and in the absence  
3 of mutual agreement to the contrary, such relocated, altered or extended highway  
4 shall be maintained by the unit of government having jurisdiction thereof before it  
5 was so relocated, altered or extended, except any parts thereof which the department  
6 determines to be useful in operation of or for access to the freeway or expressway,  
7 including structures over the freeway or expressway, which parts shall be  
8 maintained by the state, subject to s. 84.07 (1r), as a part of the freeway or  
9 expressway. The action by the department relative to vacation, relocation, extension  
10 or combining of a public highway under jurisdiction of any county, town, city or  
11 village shall be conclusive.

12 **SECTION 1557.** 84.40 (2) (a) of the statutes is amended to read:

13 84.40 (2) (a) May Subject to any prior action under s. 13.48 (14) (am) or 16.848  
14 (1), may sell and convey to a nonprofit-sharing corporation any public right-of-way  
15 available for highway purposes and any existing highways or other improvements  
16 thereon owned by the state or under the jurisdiction of the department for such  
17 consideration and upon such terms and conditions as the department deems in the  
18 public interest.

19 **SECTION 1558.** 84.555 (1m) of the statutes is amended to read:

20 84.555 (1m) Notwithstanding sub. (1) and ss. 84.51 and 84.59, the proceeds of  
21 general obligation bonds issued under s. 20.866 (2) (uum) are allocated for  
22 expenditure obligations under s. 84.95 and s. 84.014 and, the proceeds of general  
23 obligation bonds issued under s. 20.866 (2) (uup) may be used to fund expenditure  
24 obligations for the Marquette interchange reconstruction project under s. 84.014, for  
25 the reconstruction of the I 94 north-south corridor, as defined in s. 84.014 (5m) (ag)



1 1., for the reconstruction of the Zoo interchange, as defined in s. 84.014 (5m) (ag) 2.,  
2 and for southeast Wisconsin freeway megaprojects under s. 84.0145, and for  
3 high-cost state highway bridge projects under s. 84.017, and the proceeds of general  
4 obligation bonds issued under s. 20.866 (2) (uur) may be used to fund expenditure  
5 obligations for southeast Wisconsin freeway megaprojects under s. 84.0145.

\*\*\*\*NOTE: This is reconciled s. 84.555 (1m). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1169 and LRB-0612. In this draft, I added  
text from LRB-0612.

6 **SECTION 1559.** 84.59 (6) of the statutes is amended to read:

7 84.59 (6) The building commission may contract revenue obligations when it  
8 reasonably appears to the building commission that all obligations incurred under  
9 this section can be fully paid from moneys received or anticipated and pledged to be  
10 received on a timely basis. Except as provided in this subsection, the principal  
11 amount of revenue obligations issued under this section may not exceed  
12 ~~\$3,351,547,300~~ \$3,768,059,300, excluding any obligations that have been defeased  
13 under a cash optimization program administered by the building commission, to be  
14 used for transportation facilities under s. 84.01 (28) and major highway projects for  
15 the purposes under ss. 84.06 and 84.09. In addition to the foregoing limit on principal  
16 amount, the building commission may contract revenue obligations under this  
17 section as the building commission determines is desirable to refund outstanding  
18 revenue obligations contracted under this section, to make payments under  
19 agreements or ancillary arrangements entered into under s. 18.55 (6) with respect  
20 to revenue obligations issued under this section, and to pay expenses associated with  
21 revenue obligations contracted under this section.

22 **SECTION 1560.** 85.021 of the statutes is created to read:

1           **85.021 Transportation alternatives program. (1) DEFINITIONS.** In this  
2 section:

3           (a) "Political subdivision" means any city, village, town, or county.

4           (b) "Transportation alternatives" has the meaning given in 23 USC 101 (a).

5           **(2) PROGRAM.** (a) The department may administer a program to award grants  
6 of assistance to any political subdivision for transportation alternatives activities  
7 consistent with federal regulations promulgated under 23 USC 213. The grants shall  
8 be awarded from the appropriations under s. 20.395 (2) (js), (jv), and (jx).

9           (b) Any project for which a grant is awarded under par. (a) shall be commenced  
10 within 4 years from the date that the grant is awarded. For purposes of this  
11 paragraph, a planning project is commenced when a planning study is begun and an  
12 infrastructure project is commenced when construction is begun.

13           **SECTION 1561.** 85.024 of the statutes is repealed.

14           **SECTION 1562.** 85.026 of the statutes is repealed.

15           **SECTION 1563.** 85.027 of the statutes is repealed.

16           **SECTION 1564.** 85.029 of the statutes is repealed.

17           **SECTION 1565.** 85.09 (2) (a) of the statutes is amended to read:

18           85.09 (2) (a) The department of transportation shall have the first right to  
19 acquire, for present or future transportation or recreational purposes, any  
20 property used in operating a railroad or railway, including land and rails, ties,  
21 switches, trestles, bridges, and the like located on that property, that has been  
22 abandoned. The department of transportation may, in connection with abandoned  
23 rail property, assign this right to a state agency, the board of regents of the University  
24 of Wisconsin System, any county or municipality, or any transit commission.  
25 Acquisition by the department of transportation may be by gift, purchase, or

1 condemnation in accordance with the procedure under s. 32.05. In addition to its  
2 property management authority under s. 85.15, the department of transportation  
3 may, subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), lease and collect  
4 rents and fees for any use of rail property pending discharge of the department's duty  
5 to convey property that is not necessary for a public purpose. No person owning  
6 abandoned rail property, including any person to whom ownership reverts upon  
7 abandonment, may convey or dispose of any abandoned rail property without first  
8 obtaining a written release from the department of transportation indicating that  
9 the first right of acquisition under this subsection will not be exercised or assigned.  
10 No railroad or railway may convey any rail property prior to abandonment if the rail  
11 property is part of a rail line shown on the railroad's system map as in the process  
12 of abandonment, expected to be abandoned, or under study for possible  
13 abandonment unless the conveyance or disposal is for the purpose of providing  
14 continued rail service under another company or agency. Any conveyance made  
15 without obtaining such release is void. The first right of acquisition of the  
16 department of transportation under this subsection does not apply to any rail  
17 property declared by the department to be abandoned before January 1, 1977. The  
18 department of transportation may acquire any abandoned rail property under this  
19 section regardless of the date of its abandonment.

20 **SECTION 1566.** 85.09 (4) of the statutes is amended to read:

21 85.09 (4) ACQUISITION AND CONVEYANCE. Upon its own initiative, the department  
22 may determine at any time whether the rail property is abandoned, and whether it  
23 is in the best interest of the state to acquire the rail property. Within 90 days after  
24 being requested by any state agency, any railroad or any county or municipality in  
25 which the rail property is located, the department shall, subject to sub. (5) (b), make

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1 a determination of the abandonment status and, if found to be abandoned, shall  
2 determine whether it is in the best interest of the public to acquire the rail property.  
3 If it is determined to acquire the rail property or any part or interest therein, the  
4 department shall, within 180 days of the determination of its abandoned status, or  
5 the interstate commerce commission's final order permitting the abandonment, or  
6 the termination of any efforts to negotiate an agreement for continual operation of  
7 rail service on the line, whichever occurs last, determine the fair market value of the  
8 rail property and acquire the rail property at a price deemed reasonable by the  
9 department or make a relocation order under s. 32.05. In making its determination,  
10 the department shall consider long-range potential for use of the rail property for  
11 restoration of railroad service and for other transportation related purposes. The  
12 department shall solicit the opinions of appropriate state agencies, affected counties  
13 and municipalities and other interested persons. The department shall give due  
14 consideration to an expressed desire by a state agency or an affected county or  
15 municipality to acquire, in whole or in part, the rail property under consideration.  
16 Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1) and subject to sub.  
17 (6), all or part of any interest in abandoned rail property acquired by the department  
18 under this section or under s. 66.941 (7), 1975 stats., may be subsequently conveyed  
19 to another state agency or a county or municipality for transportation purposes,  
20 recreational purposes, scenic purposes or for the purpose of constructing a  
21 correctional institution, or to a railroad for continued railroad transportation  
22 operations when the railroad has operated on the rail property for 5 years and the  
23 department may make such conveyances for such purposes. Any determination of  
24 the department under this section that rail property is not abandoned shall not  
25 preclude the undertaking of a subsequent investigation and determination

1 concerning the same rail property or any portion thereof. If at any time subsequent  
2 to the acquisition of rail property under this section the department determines that  
3 the rail property is not suitable for transportation purposes, recreational purposes,  
4 scenic purposes or for the purpose of constructing a correctional institution, or that  
5 the rail property or any interest therein may be conveyed to any other person on  
6 terms which are not inconsistent with the potential use of the rail property for  
7 transportation purposes, recreational purposes, scenic purposes or for the purpose  
8 of constructing a correctional institution or which yield a benefit, including financial  
9 benefits, to the state which outweighs the benefit derived from the rail property if  
10 used for transportation purposes, recreational purposes, scenic purposes or for the  
11 purpose of constructing a correctional institution, the department may convey the  
12 rail property or such interest therein, subject to any prior action under s. 13.48 (14)  
13 (am) or 16.848 (1) and subject to sub. (6). The department shall give notice of its  
14 intention to make the conveyance, and state and local units of government shall have  
15 the first 6 months in which to exercise their opportunity to acquire the rail property  
16 or interest therein. The railroad from which the rail property was acquired shall  
17 have the next 6 months in which to exercise its opportunity to reacquire the rail  
18 property or interest therein.

19 **SECTION 1567.** 85.09 (4i) of the statutes is amended to read:

20 85.09 (4i) DISPOSAL OF RAIL PROPERTY. The department, subject to any prior  
21 action under s. 13.48 (14) (am) or 16.848 (1), shall sell at public or private sale rail  
22 property acquired under sub. (4) when the department determines that the rail  
23 property is not necessary for a public purpose and, if real property, the real property  
24 is not the subject of a petition under s. 16.310 (2). Upon receipt of the full purchase  
25 price, the department shall, by appropriate deed ~~or other~~ instrument, transfer the

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1 rail property to the purchaser. The funds derived from sales under this subsection  
2 shall be deposited in the transportation fund, and the expense incurred by the  
3 department in connection with the sale shall be paid from the appropriation under  
4 s. 20.395 (2) (bq). ~~This subsection does not apply to real property that is sold under~~  
5 ~~s. 16.848.~~

6 **SECTION 1568.** 85.15 (1) of the statutes is amended to read:

7 85.15 (1) The Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1),  
8 the department may improve, use, maintain or lease any property acquired for  
9 highway, airport or any other transportation purpose until the property is actually  
10 needed for any such purpose and may permit use of the property for purposes and  
11 upon such terms and conditions as the department deems in the public interest.

12 **SECTION 1569.** 85.20 (4m) (a) 6. cm. of the statutes is amended to read:

13 85.20 (4m) (a) 6. cm. From the appropriation under s. 20.395 (1) (ht), the  
14 department shall pay \$66,585,600 for aid payable for calendar year 2010,  
15 \$68,583,200 for aid payable for calendar year 2011, and \$61,724,900 for aid payable  
16 for calendar year years 2012 and thereafter 2013 and, prorated, for the 1st quarter  
17 of calendar year 2014, to the eligible applicant that pays the local contribution  
18 required under par. (b) 1. for an urban mass transit system that has annual operating  
19 expenses of \$80,000,000 or more. From the appropriation under s. 20.395 (1) (hc),  
20 the department shall pay \$61,724,900 for aid payable for calendar year 2015 and  
21 thereafter and, prorated, for the 2nd, 3rd, and 4th quarters of calendar year 2014,  
22 to the eligible applicant that pays the local contribution required under par. (b) 1. for  
23 an urban mass transit system that has annual operating expenses of \$80,000,000 or  
24 more. If the eligible applicant that receives aid under this subd. 6. cm. is served by  
25 more than one urban mass transit system, the eligible applicant may allocate the aid

1 between the urban mass transit systems in any manner the eligible applicant  
2 considers desirable.

3 **SECTION 1570.** 85.20 (4m) (a) 6. cm. of the statutes, as affected by 2013  
4 Wisconsin Act .... (this act), is amended to read:

5 85.20 (4m) (a) 6. cm. ~~From the appropriation under s. 20.395 (1) (ht), the~~  
6 ~~department shall pay \$66,585,600 for aid payable for calendar year 2010,~~  
7 ~~\$68,583,200 for aid payable for calendar year 2011, and \$61,724,900 for aid payable~~  
8 ~~for calendar years 2012 and 2013 and, prorated, for the 1st quarter of calendar year~~  
9 ~~2014, to the eligible applicant that pays the local contribution required under par.~~  
10 ~~(b) 1. for an urban mass transit system that has annual operating expenses of~~  
11 ~~\$80,000,000 or more. From the appropriation under s. 20.395 (1) (hc), the~~  
12 ~~department shall pay \$61,724,900 for aid payable for calendar year 2015 and~~  
13 ~~thereafter and, prorated, for the 2nd, 3rd, and 4th quarters of calendar year 2014,~~  
14 ~~to the eligible applicant that pays the local contribution required under par. (b) 1. for~~  
15 ~~an urban mass transit system that has annual operating expenses of \$80,000,000 or~~  
16 ~~more. If the eligible applicant that receives aid under this subd. 6. cm. is served by~~  
17 ~~more than one urban mass transit system, the eligible applicant may allocate the aid~~  
18 ~~between the urban mass transit systems in any manner the eligible applicant~~  
19 ~~considers desirable.~~

20 **SECTION 1571.** 85.20 (4m) (a) 6. d. of the statutes is amended to read:

21 85.20 (4m) (a) 6. d. From the appropriation under s. 20.395 (1) (hu), the  
22 department shall pay \$17,496,400 for aid payable for calendar year 2010,  
23 \$18,021,300 for aid payable for calendar year 2011, and \$16,219,200 for aid payable  
24 for calendar year years 2012 and thereafter 2013 and, prorated, for the 1st quarter  
25 of calendar year 2014, to the eligible applicant that pays the local contribution

**SECTION 1571**

1 required under par. (b) 1. for an urban mass transit system that has annual operating  
2 expenses in excess of \$20,000,000 but less than \$80,000,000. From the appropriation  
3 under s. 20.395 (1) (hd), the department shall pay \$16,219,200 for aid payable for  
4 calendar year 2015 and thereafter, and, prorated, for the 2nd, 3rd, and 4th quarters  
5 of calendar year 2014, to the eligible applicant that pays the local contribution  
6 required under par. (b) 1. for an urban mass transit system that has annual operating  
7 expenses in excess of \$20,000,000 but less than \$80,000,000. If the eligible applicant  
8 that receives aid under this subd. 6. d. is served by more than one urban mass transit  
9 system, the eligible applicant may allocate the aid between the urban mass transit  
10 systems in any manner the eligible applicant considers desirable.

11 **SECTION 1572.** 85.20 (4m) (a) 6. d. of the statutes, as affected by 2013 Wisconsin  
12 Act .... (this act), is amended to read:

13 85.20 (4m) (a) 6. d. ~~From the appropriation under s. 20.395 (1) (hu), the~~  
14 ~~department shall pay \$17,496,400 for aid payable for calendar year 2010,~~  
15 ~~\$18,021,300 for aid payable for calendar year 2011, and \$16,219,200 for aid payable~~  
16 ~~for calendar years 2012 and 2013 and, prorated, for the 1st quarter of calendar year~~  
17 ~~2014, to the eligible applicant that pays the local contribution required under par.~~  
18 ~~(b) 1. for an urban mass transit system that has annual operating expenses in excess~~  
19 ~~of \$20,000,000 but less than \$80,000,000.~~ From the appropriation under s. 20.395  
20 (1) (hd), the department shall pay \$16,219,200 for aid payable for calendar year 2015  
21 and thereafter, and, prorated, for the 2nd, 3rd, and 4th quarters of calendar year  
22 2014, to the eligible applicant that pays the local contribution required under par.  
23 (b) 1. for an urban mass transit system that has annual operating expenses in excess  
24 of \$20,000,000 but less than \$80,000,000. If the eligible applicant that receives aid  
25 under this subd. 6. d. is served by more than one urban mass transit system, the



1 eligible applicant may allocate the aid between the urban mass transit systems in  
2 any manner the eligible applicant considers desirable.

3 **SECTION 1573.** 85.20 (4m) (a) 6. e. of the statutes is amended to read:

4 85.20 (4m) (a) 6. e. From the appropriation under s. 20.395 (1) (~~hw~~) (he), the  
5 department may pay the uniform percentage for each eligible applicant for a  
6 commuter or light rail system that has been enumerated under s. 85.062 (3). An  
7 eligible applicant may not receive aid under subd. 6. cm. or d., 7., or 8. for a commuter  
8 rail or light rail transit system.

9 **SECTION 1574.** 85.20 (4m) (a) 7. a. of the statutes is amended to read:

10 85.20 (4m) (a) 7. a. From the appropriation under s. 20.395 (1) (~~hr~~), beginning  
11 with aid payable for calendar year 2002 and for each calendar year thereafter, the  
12 uniform percentage for each eligible applicant served by an urban mass transit  
13 system operating within an urbanized area having a population as shown in the 2000  
14 2010 federal decennial census of at least 50,000 or receiving federal mass transit aid  
15 for such area, and not specified in subd. 6.

\*\*\*\*\*NOTE: This is reconciled s. 85.20 (4m) (a) 7. a. This SECTION has been affected  
by drafts with the following LRB numbers: LRB-0661, LRB-1115.

16 **SECTION 1575.** 85.20 (4m) (a) 7. a. of the statutes, as affected by 2013 Wisconsin  
17 Act .... (this act), is amended to read:

18 85.20 (4m) (a) 7. a. From the appropriation under s. 20.395 (1) (~~hr~~) (ha),  
19 beginning with aid payable for calendar year 2002 and for each calendar year  
20 thereafter, the uniform percentage for each eligible applicant served by an urban  
21 mass transit system operating within an urbanized area having a population as  
22 shown in the 2010 federal decennial census of at least 50,000 or receiving federal  
23 mass transit aid for such area, and not specified in subd. 6.

**SECTION 1575**

\*\*\*\*NOTE: This is reconciled s. 85.20 (4m) (a) 7. a. This SECTION has been affected by drafts with the following LRB numbers: LRB-0661, LRB-1115.

**SECTION 1576.** 85.20 (4m) (a) 7. b. of the statutes is amended to read:

85.20 (~~4m~~) (a) 7. b. For the purpose of making allocations under subd. 7. a., the amounts for aids are ~~\$25,099,500 in calendar year 2010, \$25,852,500 in calendar year 2011, and \$23,267,200 in calendar year years 2012 and 2013 and \$23,544,900 in calendar year 2014~~ and thereafter. These amounts, to the extent practicable, shall be used to determine the uniform percentage in the particular calendar year.

**SECTION 1577.** 85.20 (4m) (a) 8. a. of the statutes is amended to read:

85.20 (~~4m~~) (a) 8. a. From the appropriation under s. 20.395 (1) (hs), beginning with aid payable for calendar year 2002 and for each calendar year thereafter, the uniform percentage for each eligible applicant served by an urban mass transit system operating within an area having a population as shown in the ~~2000~~ 2010 federal decennial census of less than 50,000 or receiving federal mass transit aid for such area.

\*\*\*\*NOTE: This is reconciled s. 85.20 (4m) (a) 8. a. This SECTION has been affected by drafts with the following LRB numbers: LRB-0661, LRB-1115.

**SECTION 1578.** 85.20 (4m) (a) 8. a. of the statutes, as affected by 2013 Wisconsin Act .... (this act), is amended to read:

85.20 (~~4m~~) (a) 8. a. From the appropriation under s. 20.395 (1) (~~hs~~) (hb), beginning with aid payable for calendar year 2002 and for each calendar year thereafter, the uniform percentage for each eligible applicant served by an urban mass transit system operating within an area having a population as shown in the 2010 federal decennial census of less than 50,000 or receiving federal mass transit aid for such area.

\*\*\*\*NOTE: This is reconciled s. 85.20 (4m) (a) 8. a. This SECTION has been affected by drafts with the following LRB numbers: LRB-0661, LRB-1115.

1           **SECTION 1579.** 85.20 (4m) (a) 8. b. of the statutes is amended to read:

2           85.20 **(4m)** (a) 8. b. For the purpose of making allocations under subd. 8. a., the  
3           amounts for aids are ~~\$5,681,600 in calendar year 2010, \$5,852,200 in calendar year~~  
4           ~~2011, and \$5,267,000 in calendar year~~ years 2012 and 2013 and \$4,989,300 in  
5           calendar year 2014 and thereafter. These amounts, to the extent practicable, shall  
6           be used to determine the uniform percentage in the particular calendar year.

7           **SECTION 1580.** 85.20 (4s) of the statutes is amended to read:

8           85.20 **(4s)** PAYMENT OF AIDS UNDER THE CONTRACT. The contracts executed  
9           between the department and eligible applicants under this section shall provide that  
10          the payment of the state aid allocation under sub. (4m) (a) for the last quarter of the  
11          state's fiscal year shall be provided from the following fiscal year's appropriation  
12          under s. 20.395 (1) ~~(hr), (hs), (ht), (hu), or (hw)~~ (ha), (hb), (hc), (hd), or (he).

13          **SECTION 1581.** 85.63 of the statutes is created to read:

14          **85.63 Surveying reference station system.** (1) The department shall  
15          administer a surveying reference station system consisting of all of the following:

16               (a) A passive system consisting of a network of monuments located throughout  
17               the state that are used to generate latitude, longitude, and elevation data.

18               (b) An active surveying reference station system consisting of reference  
19               stations statewide that continuously transmit global positioning system data to a  
20               system server, and the server that receives and processes the data received from the  
21               reference stations.

22               (2) The department may charge a fee for providing access to the system under  
23               sub. (1) in an amount to be established by rule. All fees received under this  
24               subsection shall be deposited in the general fund and credited to the appropriation  
25               account under s. 20.395 (3) (jg).

1           **SECTION 1582.** 86.34 (title) of the statutes is amended to read:

2           **86.34 (title) Flood Disaster damage aids.**

3           **SECTION 1583.** 86.34 (1) of the statutes is renumbered 86.34 (1m), and 86.34  
4 (1m) (a) and (b), as renumbered, are amended to read:

5           86.34 (1m) (a) When any ~~public highway, street, alley or bridge not on the state~~  
6 ~~trunk highway system~~ is damaged by flood a disaster, the county highway  
7 committee, or the governing body of the municipality having jurisdiction over the  
8 maintenance thereof of the highway, may adopt a petition for aid under this section  
9 and file a certified copy thereof of the petition with the department. To be eligible  
10 for aid the petition shall be filed not later than 2 months after the occurrence of the  
11 flood disaster damage, except as provided in par. (b). All such petitions shall state  
12 the dates on which the flood disaster damage occurred and as nearly as practical  
13 state the location, nature, and extent of the damage.

14           (b) The department may extend the filing deadline under par. (a) if it appears  
15 reasonably likely that federal disaster aid may be forthcoming or when widespread  
16 or continuous flooding disaster damage makes an evaluation of flood damage  
17 difficult.

18           **SECTION 1584.** 86.34 (1g) of the statutes is created to read:

19           86.34 (1g) In this section:

20           (a) “Catastrophic highway failure” means the sudden failure of a major element  
21 or segment of the highway system due to a cause that is external to a highway, but  
22 does not include any failure primarily attributable to gradual and progressive  
23 deterioration or lack of proper maintenance of a highway.

24           (b) “Disaster” means any of the following:

1           1. A severe storm, flood, fire, tornado, mudslide, or other natural event external  
2 to a highway or a catastrophic highway failure.

3           2. An event or recurring damage caused by any governmental unit or person  
4 acting under the direction or approval of, or permit issued by, any governmental unit  
5 and in response to an event described in subd. 1.

6           (c) “Governmental unit” means the state or any state agency, as defined in s.  
7 20.001 (1); any county, city, village, town, or other political subdivision of the state;  
8 or the federal government or any of its agencies.

9           (d) “Highway” means a highway, as defined in s. 340.01 (22), that is not on the  
10 state trunk highway system.

11           **SECTION 1585.** 86.34 (2) of the statutes is amended to read:

12           86.34 (2) The department shall make such investigation as it deems necessary  
13 and within 6 months from the date of filing the petition shall make its determination  
14 as to the granting of aid, the amount thereof, and the conditions under which it is  
15 granted. In making its determination the department shall cause an estimate to be  
16 made of the cost of repairing or replacing the facilities damaged or destroyed by the  
17 flood to standards and efficiency similar to those previously existing immediately  
18 before the damage or destruction, and also an estimate of the cost of reconstructing  
19 the facilities to a higher type or improving any such facilities if determined to be  
20 warranted and advisable. Except as provided in sub. subs. (2m) and (6), the amount  
21 of aid payable for damage caused by a disaster described in sub. (1g) (b) 1. shall be  
22 ~~three-fourths~~ 75 percent of the cost of repair or replacement to standards similar to  
23 those previously existing immediately before the damage or destruction, plus 50%  
24 50 percent of the increased cost of the reconstruction to a higher type or the  
25 improvement of any of the facilities. Except as provided in subs. (2m) and (6), the

1 amount of aid payable for damage caused by a disaster described in sub. (1g) (b) 2.  
2 shall be 70 percent of the cost of repair or replacement to standards similar to those  
3 existing immediately before the damage or destruction. The department may revise  
4 estimates on the basis of additional facts. The county, town, village, or city shall pay  
5 the remainder of the cost not allowed as aid, but this shall not invalidate any other  
6 provision of the statutes whereby the cost may be shared by the county and the town,  
7 village, or city.

8 **SECTION 1586.** 86.34 (2m) of the statutes is amended to read:

9 86.34 (2m) If Subject to sub. (6), if the department's estimate under sub. (2) of  
10 the cost of repair or improvement of the facilities determined by the department to  
11 be eligible for aid is \$15,000 or less, the department shall offer the petitioner an  
12 amount of aid equal to ~~75%~~ <sup>plain</sup> 75 percent of the total amount of the department's  
13 estimate for damage caused by a disaster described in sub. (1g) (b) 1. or 70 percent  
14 of the total amount of the department's estimate for damage caused by a disaster  
15 described in sub. (1g) (b) 2. If the petitioner accepts aid under this subsection, the  
16 aid shall be paid to the petitioner or, subject to sub. (5), the county, and no other form  
17 of aid is available under this section for the repair or improvement of such facilities.

18 **SECTION 1587.** 86.34 (6) of the statutes is created to read:

19 86.34 (6) The department may not pay aid under this section in excess of  
20 \$1,000,000, in connection with disaster damage resulting from a single disaster,  
21 unless the payment of aid is approved by the governor.

22 **SECTION 1588.** 93.02 of the statutes is amended to read:

23 **93.02 Staff.** The secretary shall appoint all staff necessary for the carrying out  
24 of the duties of the department, all of whom shall be under the classified service  
25 except the deputy secretary, the executive assistant deputy secretary, and, subject

1 to s. 230.08 (4) (a), the administrators of divisions. Each such deputy secretary,  
2 executive assistant deputy secretary, or administrator shall be appointed by the  
3 secretary with the approval of the board.

4 **SECTION 1589.** 93.135 (title) of the statutes is amended to read:

5 **93.135 (title) License denial, nonrenewal, suspension or restriction**  
6 **based on failure to pay support or taxes.**

7 **SECTION 1590.** 93.135 (1) (rg) of the statutes is created to read:

8 93.135 (1) (rg) A certification or registration under s. 168.23 (3).

9 **SECTION 1591.** 93.135 (4) of the statutes is created to read:

10 93.135 (4) The department shall deny an application for the issuance or  
11 renewal of certification or registration under s. 168.23 (3), or shall suspend or restrict  
12 such a certification or registration, if the department of revenue certifies under s.  
13 73.0301 that the holder of the certification or registration is liable for delinquent  
14 taxes.

15 **SECTION 1592.** 93.40 (1) (g) of the statutes is amended to read:

16 93.40 (1) (g) Promote the growth of the dairy industry through research,  
17 planning, and assistance, including grants and loans to dairy producers and grants  
18 to persons operating processing plants.

19 **SECTION 1593.** 93.60 of the statutes is repealed.

20 **SECTION 1594.** 98.246 (1) of the statutes is amended to read:

21 98.246 (1) In this section, “petroleum products” has the meaning given under  
22 s. ~~168.03~~ 168.01 (3).

23 **SECTION 1595.** 101.02 (18m) of the statutes is renumbered 93.06 (1pm) and  
24 amended to read:

**SECTION 1595**

1           **93.06 (1pm) TESTING OF PETROLEUM PRODUCTS.** The department may perform,  
2           or contract for the performance of, testing of petroleum products other than testing  
3           provided under ch. 168. The department may establish a schedule of fees for such  
4           petroleum product testing services. The department shall credit all revenues  
5           received from fees established under this subsection to the appropriation account  
6           under s. ~~20.165 (2) (ga)~~ **20.115 (1) (gc)**. Revenues from fees established under this  
7           subsection may be used by the department to pay for testing costs, including  
8           laboratory supplies and equipment amortization, for such products.

9           **SECTION 1596.** 101.02 (18r) of the statutes is created to read:

10           **101.02 (18r)** The department shall promulgate a rule specifying fees for plan  
11           reviews relating to the storage, handling, or use of flammable or combustible liquids  
12           or federally regulated hazardous substances, as defined in s. 168.21 (3).

13           **SECTION 1597.** 101.02 (20) (a) of the statutes is amended to read:

14           **101.02 (20) (a)** For purposes of this subsection, “license” means a license,  
15           permit, or certificate of certification or registration issued by the department for an  
16           occupation or profession under s. ~~101.09 (3) (e)~~, 101.122 (2) (c), ~~101.143 (2) (g)~~,  
17           101.147, 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63 (2) or (2m),  
18           101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951,  
19           101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16,  
20           145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under  
21           ch. 101 or 145.

          \*\*\*\*NOTE: This is reconciled s. 101.02 (20) (a). This SECTION has been affected by  
          drafts with the following LRB numbers: -0387 and -1092.

22           **SECTION 1598.** 101.02 (21) (a) of the statutes is amended to read:



1           101.02 (21) (a) In this subsection, "license" means a license, permit, or  
2           certificate of certification or registration issued by the department for an occupation  
3           or profession under s. ~~101.09 (3) (e)~~, 101.122 (2) (c), ~~101.143 (2) (g)~~, 101.147, 101.15  
4           (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73  
5           (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.96 (2),  
6           101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17,  
7           145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

      \*\*\*\*NOTE: This is reconciled s. 101.02 (21) (a). This SECTION has been affected by  
      drafts with the following LRB numbers: -0387 and -1092.

8           **SECTION 1599.** 101.02 (24) (a) 2. of the statutes is amended to read:

9           101.02 (24) (a) 2. "License" means a license, permit, or certificate of  
10          certification or registration issued by the department for an occupation or profession  
11          under s. ~~101.09 (3) (e)~~, 101.122 (2) (c), ~~101.143 (2) (g)~~, 101.147, 101.15 (2) (e), 101.16  
12          (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.654,  
13          101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952,  
14          101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17,  
15          145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

      \*\*\*\*NOTE: This is reconciled s. 101.02 (24) (a) 2. This SECTION has been affected by  
      drafts with the following LRB numbers: -0387 and -1092.

16          **SECTION 1600.** 101.09 (title) of the statutes is repealed.

17          **SECTION 1601.** 101.09 (1) (intro.) of the statutes is renumbered 168.21 (intro.)  
18          and amended to read:

19          **168.21 Definitions.** (intro.) In this section subchapter:

20          **SECTION 1602.** 101.09 (1) (a) of the statutes is renumbered 168.21 (1).

21          **SECTION 1603.** 101.09 (1) (am) of the statutes is renumbered 168.21 (3).

22          **SECTION 1604.** 101.09 (1) (b) of the statutes is renumbered 168.21 (4).

**SECTION 1605**

**SECTION 1605.** 101.09 (1) (c) of the statutes is renumbered 168.21 (5).

**SECTION 1606.** 101.09 (1) (cm) of the statutes is renumbered 168.21 (6).

**SECTION 1607.** 101.09 (1) (d) of the statutes is renumbered 168.21 (7).

**SECTION 1608.** 101.09 (2) (title) of the statutes is renumbered 168.22 (title).

**SECTION 1609.** 101.09 (2) (a) of the statutes is renumbered 168.22 (1) and amended to read:

168.22 (1) Except as provided under ~~pars. (b) to (d)~~ subs. (2) to (5), every person who constructs, owns or controls a tank for the storage, handling or use of liquid that is flammable or combustible or a federally regulated hazardous substance shall comply with the standards adopted under ~~sub. (3)~~ s. 168.23.

**SECTION 1610.** 101.09 (2) (b) of the statutes is renumbered 168.22 (2) and amended to read:

168.22 (2) This ~~section~~ subchapter does not apply to storage tanks which require a hazardous waste license under s. 291.25.

**SECTION 1611.** 101.09 (2) (c) of the statutes is renumbered 168.22 (3) and amended to read:

168.22 (3) This ~~section~~ subchapter does not apply to storage tanks which are installed above ground level and which are less than 5,000 gallons in capacity.

**SECTION 1612.** 101.09 (2) (cm) (intro.) of the statutes is renumbered 168.22 (4) (intro.) and amended to read:

168.22 (4) (intro.) Any rules promulgated under ~~sub. (3)~~ s. 168.23 requiring an owner to test the ability of a storage tank, connected piping or ancillary equipment to prevent an inadvertent release of a stored substance do not apply to storage tanks that satisfy all of the following:

1           **SECTION 1613.** 101.09 (2) (cm) 1. to 3. of the statutes are renumbered 168.22  
2       (4) (a) to (c).

3           **SECTION 1614.** 101.09 (2) (d) of the statutes is renumbered 168.22 (5) and  
4       amended to read:

5           168.22 (5) This ~~section~~ subchapter does not apply to a pressurized natural gas  
6       pipeline system regulated under 49 CFR 192 and 193.

7           **SECTION 1615.** 101.09 (3) (title) of the statutes is renumbered 168.23 (title).

8           **SECTION 1616.** 101.09 (3) (a) of the statutes is renumbered 168.23 (1).

9           **SECTION 1617.** 101.09 (3) (b) of the statutes is renumbered 168.23 (2) and  
10       amended to read:

11           168.23 (2) The department may transfer any information which the  
12       department receives under ~~par. (a)~~ sub. (1) to any other agency or governmental unit.  
13       The department and any such agency shall treat the name of the owner and the  
14       location of any noncommercial storage tank which stores heating oil for consumptive  
15       use on the premises, required to be submitted to the department under ~~par. (a)~~ sub.  
16       (1), as confidential and shall not permit inspection or copying under s. 19.35 of any  
17       record containing the information.

18           **SECTION 1618.** 101.09 (3) (c) of the statutes is renumbered 168.23 (3) and  
19       amended to read:

20           168.23 (3) The rule promulgated under ~~par. (a)~~ sub. (1) may require the  
21       certification or registration of persons who install, remove, clean, line, perform  
22       tightness testing on and inspect tanks and persons who perform site assessments.  
23       Any rule requiring certification or registration shall also authorize the revocation or  
24       suspension of the certification or registration. The department may not require an

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1 individual who is eligible for the veterans fee waiver program under s. 45.44 to pay  
2 any fee that may be charged pursuant to such a rule.

3 **SECTION 1619.** 101.09 (3) (d) of the statutes is renumbered 168.23 (4) and  
4 amended to read:

5 168.23 (4) The department shall promulgate a rule specifying fees for plan  
6 review and inspection of tanks for the storage, handling, or use of flammable or  
7 combustible liquids and for any certification or registration required under par. (e)  
8 sub. (3).

9 **SECTION 1620.** 101.09 (3m) (title) of the statutes is renumbered 168.24 (title).

10 **SECTION 1621.** 101.09 (3m) (a) of the statutes is renumbered 168.24 (1) and  
11 amended to read:

12 168.24 (1) In this ~~subsection~~ section, “hazardous substance” means a  
13 combustible liquid, a flammable liquid, or a federally regulated hazardous  
14 substance.

15 **SECTION 1622.** 101.09 (3m) (b) of the statutes is renumbered 168.24 (2) and  
16 amended to read:

17 168.24 (2) The department may not impose any requirement that specifies that  
18 pipe connections at the top of a storage tank and beneath all freestanding pumps and  
19 dispensers that routinely contain a hazardous substance be placed within secondary  
20 containment sumps, if the pipe connections were installed or in place on or before  
21 February 1, 2009. This ~~subsection~~ section does not apply after December 31, 2020.

22 **SECTION 1623.** 101.09 (4) (title) of the statutes is renumbered 168.25 (title).

23 **SECTION 1624.** 101.09 (4) (a) of the statutes is renumbered 168.25 (1) and  
24 amended to read:

25 168.25 (1) The department shall enforce this ~~section~~ subchapter.

1       **SECTION 1625.** 101.09 (4) (b) of the statutes is renumbered 168.25 (2) and  
2 amended to read:

3       168.25 (2) The department shall issue orders directing and requiring  
4 compliance with the rules and standards of the department adopted under this  
5 ~~section~~ subchapter whenever, in the judgment of the department, the rules or  
6 standards are threatened with violation, are being violated or have been violated.

7       **SECTION 1626.** 101.09 (4) (c) of the statutes is renumbered 168.25 (3).

8       **SECTION 1627.** 101.09 (5) of the statutes is renumbered 168.26 and amended  
9 to read:

10       **168.26 Penalties.** Any person who violates this ~~section~~ subchapter or any rule  
11 or order adopted under this ~~section~~ subchapter shall forfeit not less than \$10 nor  
12 more than \$5,000 for each violation. Each violation of this ~~section~~ subchapter or any  
13 rule or order under this ~~section~~ subchapter constitutes a separate offense and each  
14 day of continued violation is a separate offense.

15       **SECTION 1628.** 101.1206 (1) of the statutes is amended to read:

16       101.1206 (1) The department shall establish statewide standards for erosion  
17 control at building sites that have a land disturbance that is less than one acre in area  
18 and that are for the construction of public buildings, ~~as defined in s. 101.01 (12), and~~  
19 buildings that are places of employment, ~~as defined in s. 101.01 (11).~~

20       **SECTION 1629.** 101.14 (5) (a) of the statutes is amended to read:

21       101.14 (5) (a) Subject to par. (b), in addition to any fee charged by the  
22 department by rule for plan review and approval for the construction of a new or  
23 additional installation or change in operation of a previously approved installation  
24 for the storage, handling or use of a liquid that is flammable or combustible or a  
25 federally regulated hazardous substance, as defined in s. ~~101.09 (1) (am)~~ 168.21 (3),

**SECTION 1629**

1 the department shall collect a groundwater fee of \$100 for each plan review  
2 submittal. The moneys collected under this subsection shall be credited to the  
3 environmental fund for environmental management.

4 **SECTION 1630.** 101.14 (5) (b) of the statutes is amended to read:

5 101.14 (5) (b) Notwithstanding par. (a), an installation for the storage,  
6 handling or use of a liquid that is flammable or combustible or a federally regulated  
7 hazardous substance, as defined in s. ~~101.09 (1) (am)~~ 168.21 (3), that has a capacity  
8 of less than 1,000 gallons is not subject to the groundwater fee under par. (a).

9 **SECTION 1631.** 101.142 (title) and (1) (intro.) of the statutes are renumbered  
10 168.28 (title) and (1) (intro.).

11 **SECTION 1632.** 101.142 (1) (a) of the statutes is renumbered 168.28 (1) (a) and  
12 amended to read:

13 168.28 (1) (a) “~~Petroleum~~ Notwithstanding s. 168.01 (3), “petroleum product”  
14 means materials derived from petroleum, natural gas, or asphalt deposits and  
15 includes gasoline, diesel and heating fuels, liquefied petroleum gases, lubricants,  
16 waxes, greases, and petrochemicals.

17 **SECTION 1633.** 101.142 (1) (b) and (2) of the statutes are renumbered 168.28  
18 (1) (b) and (2).

19 **SECTION 1634.** 101.143 (title) and (1) (intro.) and (ad) of the statutes are  
20 renumbered 292.63 (title) and (1) (intro.) and (ad).

21 **SECTION 1635.** 101.143 (1) (am) of the statutes is repealed.

22 **SECTION 1636.** 101.143 (1) (b) of the statutes is repealed.

23 **SECTION 1637.** 101.143 (1) (bm) to (i) of the statutes are renumbered 292.63 (1)  
24 (bm) to (i).

25 **SECTION 1638.** 101.143 (1m) of the statutes is renumbered 292.63 (1m).

1       **SECTION 1639.** 101.143 (2) (title) and (b) and (c) of the statutes are renumbered  
2       292.63 (2) (title) and (b) and (c).

3       **SECTION 1640.** 101.143 (2) (d) of the statutes is renumbered 292.63 (2) (d) and  
4       amended to read:

5       292.63 (2) (d) The department shall reserve a portion, not to exceed 20%, of the  
6       amount annually appropriated under s. ~~20.165 (2) (v)~~ 20.370 (2) (eu) for awards  
7       under this section to be used to fund emergency remedial action and claims that  
8       exceed the amount initially anticipated.

9       **SECTION 1641.** 101.143 (2) (e) to (g) of the statutes are renumbered 292.63 (2)  
10       (e) to (g).

11       **SECTION 1642.** 101.143 (2) (h) of the statutes is renumbered 292.63 (2) (h), and  
12       292.63 (2) (h) (intro.) and 3., as renumbered, are amended to read:

13       **292.63 (2) (h) (intro.)** ~~The department of safety and professional services and~~  
14       ~~the department of natural resources, jointly,~~ shall promulgate rules designed to  
15       facilitate effective and cost-efficient administration of the program under this  
16       section that specify all of the following:

17       3. Review procedures that must be followed by employees of the department  
18       ~~of natural resources and the department of commerce~~ in reviewing the information  
19       submitted under subd. 1.

20       **SECTION 1643.** 101.143 (2) (i) of the statutes is renumbered 292.63 (2) (i), and  
21       292.63 (2) (i) (intro.) and 1., as renumbered, are amended to read:

22       292.63 (2) (i) (intro.) ~~The department of safety and professional services and~~  
23       ~~the department of natural resources, jointly,~~ shall promulgate rules specifying  
24       procedures for evaluating remedial action plans and procedures to be used by  
25       employees of the department ~~of safety and professional services and the department~~

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1 of natural resources while remedial actions are being conducted. The departments  
2 department shall specify procedures that include all of the following:

3 1. Annual reviews that include application of the method in the rules  
4 promulgated under sub. (2e) ~~(b)~~ (a) to determine the risk posed by discharges that  
5 are the subject of the remedial actions.

6 **SECTION 1644.** 101.143 (2) (j) of the statutes is renumbered 292.63 (2) (j), and  
7 292.63 (2) (j) (intro.) and 1., as renumbered, are amended to read:

8 292.63 (2) (j) (intro.) The department of safety and professional services and  
9 the department of natural resources, jointly, shall promulgate rules specifying all of  
10 the following:

11 1. The conditions under which employees of the department of commerce and  
12 the department of natural resources must issue approvals under sub. (3) (c) 4.

13 **SECTION 1645.** 101.143 (2) (k) of the statutes is repealed.

14 **SECTION 1646.** 101.143 (2) (L) of the statutes is renumbered 292.63 (2) (L) and  
15 amended to read:

16 292.63 (2) (L) The department may promulgate rules for the assessment and  
17 collection of fees to recover its costs for providing approval under sub. (3) (c) 4. and  
18 for providing other assistance requested by applicants under this section. Any  
19 moneys collected under this paragraph shall be credited to the appropriation account  
20 under s. ~~20.165 (2) (Lm)~~ 20.370 (2) (ej).

21 **SECTION 1647.** 101.143 (2e) (title) of the statutes is renumbered 292.63 (2e)  
22 (title).

23 **SECTION 1648.** 101.143 (2e) (a) of the statutes is renumbered 292.63 (2e) (a) and  
24 amended to read:



1           292.63 (2e) (a) ~~The department of safety and professional services and the~~  
2 ~~department of natural resources shall attempt to agree on~~ promulgate rules that  
3 specify a method, which shall include individualized consideration of the routes for  
4 migration of petroleum product contamination at each site, for determining the risk  
5 to public health, safety and welfare and to the environment posed by discharges for  
6 which the department of safety and professional services receives notification under  
7 sub. (3) (a) 3.

8           **SECTION 1649.** 101.143 (2e) (b) of the statutes is repealed.

9           **SECTION 1650.** 101.143 (2e) (c) of the statutes is renumbered 292.63 (2e) (c) and  
10 amended to read:

11           292.63 (2e) (c) ~~The department of natural resources or, if the discharge is~~  
12 ~~covered under s. 101.144 (2) (b), the department of safety and professional services~~  
13 ~~shall apply the method in the rules promulgated under par. (b) (a) to determine the~~  
14 ~~risk posed by a discharge for which the department of safety and professional~~  
15 ~~services receives notification under sub. (3) (a) 3.~~

16           **SECTION 1651.** 101.143 (2m) of the statutes is repealed.

17           **SECTION 1652.** 101.143 (3) (title) and (a) of the statutes are renumbered 292.63  
18 (3) (title) and (a), and 292.63 (3) (a) 4., 5. and 9., as renumbered, are amended to read:

19           292.63 (3) (a) 4. The owner or operator registers the petroleum product storage  
20 system or the home oil tank system is registered with the department of agriculture,  
21 trade and consumer protection under s. 101.09 168.23.

\*\*\*\*NOTE: This is reconciled s. 101.143 (3) (a) 4. This SECTION has been affected by  
drafts with the following LRB numbers: -0387 and -1092.

1           5. The owner or operator or the person reports the discharge in a timely manner  
2           to the division of emergency management in the department of military affairs or to  
3           the department of ~~natural resources~~, according to the requirements under s. 292.11.

4           9. The owner or operator or the person follows standards for groundwater  
5           restoration in the groundwater standards in the rules promulgated by the  
6           department of ~~natural resources~~ under ss. 160.07 and 160.09 and restores the  
7           environment, to the extent practicable, according to those standards at the site of the  
8           discharge from a petroleum product storage system or home oil tank system.

9           **SECTION 1653.** 101.143 (3) (ae) of the statutes is renumbered 292.63 (3) (ae) and  
10          amended to read:

11          292.63 (3) (ae) *New systems.* An owner or operator or a person owning a home  
12          oil tank system is not eligible for an award under this section for costs incurred  
13          because of a petroleum product discharge from an underground petroleum product  
14          storage tank system or a home oil tank system that meets the performance standards  
15          in 40 CFR 280.20 or in rules ~~promulgated by~~ of the department of agriculture, trade  
16          and consumer protection relating to underground petroleum product storage tank  
17          systems installed after December 22, 1988, if the discharge is confirmed after  
18          December 31, 1995.

        \*\*\*\*NOTE: This is reconciled s. 101.143 (3) (ae). This SECTION has been affected by  
        drafts with the following LRB numbers: -0387 and -1092.

19          **SECTION 1654.** 101.143 (3) (ah) of the statutes is renumbered 292.63 (3) (ah)  
20          and amended to read:

21          292.63 (3) (ah) *New aboveground systems.* An owner or operator is not eligible  
22          for an award under this section for costs incurred because of a petroleum product  
23          discharge from a petroleum product storage system that is not an underground

1 petroleum product storage tank system and that meets the performance standards  
2 in rules ~~promulgated by~~ of the department of agriculture, trade and consumer  
3 protection relating to petroleum product storage systems that are not underground  
4 petroleum product storage tank systems and that are installed after April 30, 1991,  
5 if the discharge is confirmed after December 22, 2001.

\*\*\*\*NOTE: This is reconciled s. 101.143 (3) (ah). This SECTION has been affected by  
drafts with the following LRB numbers: -0387 and -1092.

6 **SECTION 1655.** 101.143 (3) (am) of the statutes is renumbered 292.63 (3) (am)  
7 and amended to read:

8 292.63 (3) (am) *Upgraded underground systems.* 1. An owner or operator or  
9 a person owning a home oil tank system is not eligible for an award under this section  
10 for costs incurred because of a petroleum product discharge from an underground  
11 petroleum product storage tank system or a home oil tank system if the discharge  
12 is confirmed after December 31, 1995, and the discharge is confirmed, or activities  
13 under par. (c) or (g) are begun with respect to that discharge, after the day on which  
14 the underground petroleum product storage tank system or home oil tank system  
15 first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or in rules  
16 ~~promulgated by~~ of the department of agriculture, trade and consumer protection  
17 relating to the upgrading of existing underground petroleum product storage tank  
18 systems, except as provided in subd. 2.

\*\*\*\*NOTE: This is reconciled s. 101.143 (3) (am) 1. This SECTION has been affected  
by drafts with the following LRB numbers: -0387 and -1092.

19 2. If an underground petroleum product storage tank system or home oil tank  
20 system first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or in rules  
21 ~~promulgated by~~ of the department of agriculture, trade and consumer protection  
22 relating to the upgrading of existing underground petroleum product storage tank

**SECTION 1655**

1 systems, after December 31, 1993, and the owner or operator or person owning the  
2 home oil tank system applies for private pollution liability insurance covering the  
3 underground petroleum product storage tank system or home oil tank system within  
4 30 days after the day on which the underground petroleum product storage tank  
5 system or home oil tank system first meets those upgrading requirements, then the  
6 owner or operator or person remains eligible for an award for costs incurred because  
7 of a petroleum product discharge, from that underground petroleum product storage  
8 tank system or home oil tank system, which is confirmed, and with respect to which  
9 activities under par. (c) or (g) are begun, before the 91st day after the day on which  
10 the underground petroleum product storage tank system or home oil tank system  
11 first meets those upgrading requirements.

\*\*\*\*NOTE: This is reconciled s. 101.143 (3) (am) 2. This SECTION has been affected  
by drafts with the following LRB numbers: -0387 and -1092.

12 **SECTION 1656.** 101.143 (3) (ap) of the statutes is renumbered 292.63 (3) (ap)  
13 and amended to read:

14 292.63 (3) (ap) *Upgraded aboveground systems.* An owner or operator is not  
15 eligible for an award under this section for costs incurred because of a petroleum  
16 product discharge from a petroleum product storage system that is not an  
17 underground petroleum product storage tank system if the discharge is confirmed  
18 after December 22, 2001, and the discharge is confirmed, or activities under par. (c)  
19 or (g) are begun with respect to that discharge, after the day on which the petroleum  
20 product storage system first meets the upgrading requirements in rules  
21 promulgated by of the department of agriculture, trade and consumer protection  
22 relating to the upgrading of existing petroleum product storage systems that are not  
23 underground petroleum product storage tank systems.

\*\*\*\*NOTE: This is reconciled s. 101.143 (3) (ap). This SECTION has been affected by drafts with the following LRB numbers: -0387 and -1092.

1           **SECTION 1657.** 101.143 (3) (av) of the statutes is renumbered 292.63 (3) (av) and  
2 amended to read:

3           292.63 (3) (av) *Claims submitted for petroleum product storage systems on*  
4 *tribal trust lands.* The owner or operator of a petroleum product storage system  
5 located on trust lands of an American Indian tribe may submit a claim for an award  
6 under sub. (4) if the owner or operator otherwise satisfies par. (a) and complies with  
7 the rules promulgated under this section and any other rules promulgated by of the  
8 department of agriculture, trade and consumer protection concerning petroleum  
9 product storage systems.

\*\*\*\*NOTE: This is reconciled s. 101.143 (3) (av). This SECTION has been affected by drafts with the following LRB numbers: -0387 and -1092.

10           **SECTION 1658.** 101.143 (3) (b), (bm) and (bn) of the statutes are renumbered  
11 292.63 (3) (b), (bm) and (bn).

12           **SECTION 1659.** 101.143 (3) (c) of the statutes is renumbered 292.63 (3) (c), and  
13 292.63 (3) (c) 4., as renumbered, is amended to read:

14           292.63 (3) (c) 4. Receive written approval from the department of natural  
15 resources or, if the discharge is covered under s. 101.144 (2) (b), from the department  
16 of safety and professional services that the remedial action activities performed  
17 under subd. 3. meet the requirements of s. 292.11.

18           **SECTION 1660.** 101.143 (3) (cm) of the statutes is renumbered 292.63 (3) (cm)  
19 and amended to read:

20           292.63 (3) (cm) *Monitoring as remedial action.* An owner or operator or person  
21 owning a home oil tank system may, with the approval of the department of natural  
22 resources or, if the discharge is covered under s. 101.144 (2) (b), the department of

**SECTION 1660**

1 safety and professional services, satisfy the requirements of par. (c) 2. and 3. by  
2 proposing and implementing monitoring to ensure the effectiveness of natural  
3 attenuation of petroleum product contamination.

4 **SECTION 1661.** 101.143 (3) (cp) of the statutes is renumbered 292.63 (3) (cp) and  
5 amended to read:

6 292.63 (3) (cp) *Bidding process.* 1. Except as provided in subds. 2. to 5. and  
7 5., if the department of natural resources or, if the site is covered under s. 101.144  
8 (2) (b), the department of safety and professional services estimates that the cost to  
9 complete a site investigation, remedial action plan and remedial action for an  
10 occurrence exceeds \$60,000, the department of safety and professional services shall  
11 implement a competitive public bidding process to obtain information to assist in  
12 making the determination under par. (cs).

13 2. The department of safety and professional services or the department of  
14 natural resources may waive the requirement under subd. 1. if an enforcement  
15 standard is exceeded in groundwater within 1,000 feet of a well operated by a public  
16 utility, as defined in s. 196.01 (5), or within 100 feet of any other well used to provide  
17 water for human consumption.

18 5. The department of safety and professional services or the department of  
19 natural resources may waive the requirement under subd. 1. after providing notice  
20 to the other department secretary of administration.

21 6. The department of safety and professional services may disqualify a bid  
22 received under subd. 1. if, based on information available to the department and  
23 experience with remedial action at other sites, the bid is unlikely to establish an  
24 amount to sufficiently fund remedial action that will comply with par. (c) 3. and with  
25 enforcement standards.

1           7. The department of safety and professional services may disqualify a person  
2     from submitting bids under subd. 1. if, based on past performance of the bidder, the  
3     department determines that the person has demonstrated an inability to complete  
4     remedial action within established cost limits.

5           **SECTION 1662.** 101.143 (3) (cs) (title) of the statutes is renumbered 292.63 (3)  
6     (cs) (title).

7           **SECTION 1663.** 101.143 (3) (cs) 1. of the statutes is renumbered 292.63 (3) (cs)  
8     1. and amended to read:

9           292.63 (3) (cs) 1. The department of safety and professional services shall  
10    review the remedial action plan for a site that is classified as low or medium risk  
11    under s. 101.144 and shall determine the least costly method of complying with par.  
12    (c) 3. and with enforcement standards. The department shall notify the owner or  
13    operator of its determination of the least costly method and shall notify the owner  
14    or operator that reimbursement for remedial action under this section is limited to  
15    the amount necessary to implement that method.

16          **SECTION 1664.** 101.143 (3) (cs) 2. of the statutes is repealed.

17          **SECTION 1665.** 101.143 (3) (cs) 3. of the statutes is renumbered 292.63 (3) (cs)  
18    3. and amended to read:

19          292.63 (3) (cs) 3. In making determinations under ~~subds.~~ subd. 1. and 2., the  
20    department of natural resources and the department of safety and professional  
21    services shall determine whether natural attenuation will achieve compliance with  
22    par. (c) 3. and with enforcement standards.

23          **SECTION 1666.** 101.143 (3) (cs) 4. of the statutes is renumbered 292.63 (3) (cs)  
24    4. and amended to read:

**SECTION 1666**

1           292.63 (3) (cs) 4. The department of safety and professional services may  
2   review and modify an amount established under subd. 1. if the department  
3   determines that new circumstances, including newly discovered contamination at a  
4   site, warrant those actions. ~~The department of safety and professional services and~~  
5   ~~the department of natural resources may review and modify an amount established~~  
6   ~~under subd. 2. if the departments determine that new circumstances, including~~  
7   ~~newly discovered contamination at a site, warrant those actions.~~

8           **SECTION 1667.** 101.143 (3) (cw) (title) of the statutes is renumbered 292.63 (3)  
9   (cw) (title).

10          **SECTION 1668.** 101.143 (3) (cw) 1. of the statutes is renumbered 292.63 (3) (cw)  
11   1. and amended to read:

12          292.63 (3) (cw) 1. The department of safety and professional services shall  
13   conduct the annual review required under sub. (2) (i) 1. for a site that is classified as  
14   ~~low or medium risk under s. 101.144~~ and shall determine the least costly method of  
15   completing remedial action at the site in order to comply with par. (c) 3. and with  
16   enforcement standards. The department shall notify the owner or operator of its  
17   determination of the least costly method and shall notify the owner or operator that  
18   reimbursement under this section for any remedial action conducted after the date  
19   of the notice is limited to the amount necessary to implement that method.

20          **SECTION 1669.** 101.143 (3) (cw) 2. of the statutes is repealed.

21          **SECTION 1670.** 101.143 (3) (cw) 3. of the statutes is renumbered 292.63 (3) (cw)  
22   3. and amended to read:

23          292.63 (3) (cw) 3. In making determinations under subds. subd. 1. and ~~2.~~, the  
24   department of ~~natural resources and the department of safety and professional~~



1 services shall determine whether natural attenuation will achieve compliance with  
2 par. (c) 3. and with enforcement standards.

3 **SECTION 1671.** 101.143 (3) (cw) 4. of the statutes is renumbered 292.63 (3) (cw)  
4 4. and amended to read:

5 292.63 (3) (cw) 4. The department of safety and professional services may  
6 review and modify an amount established under subd. 1. if the department  
7 determines that new circumstances, including newly discovered contamination at a  
8 site, warrant those actions. ~~The department of safety and professional services and~~  
9 ~~the department of natural resources may review and modify an amount established~~  
10 ~~under subd. 2. if the departments determine that new circumstances, including~~  
11 ~~newly discovered contamination at a site, warrant those actions.~~

12 **SECTION 1672.** 101.143 (3) (d) of the statutes is renumbered 292.63 (3) (d) and  
13 amended to read:

14 292.63 (3) (d) *Final review of remedial action activities.* The department of  
15 ~~natural resources or, if the discharge is covered under s. 101.144 (2) (b), the~~  
16 ~~department of safety and professional services shall complete a final review of the~~  
17 ~~remedial action activities within 60 days after the claimant notifies the appropriate~~  
18 ~~department that the remedial action activities are completed.~~

19 **SECTION 1673.** 101.143 (3) (e) of the statutes is repealed.

20 **SECTION 1674.** 101.143 (3) (f) of the statutes is renumbered 292.63 (3) (f), and  
21 292.63 (3) (f) 5., as renumbered, is amended to read:

22 292.63 (3) (f) 5. The written approval of the department of natural resources  
23 ~~or the department of safety and professional services under par. (c) 4.~~

24 **SECTION 1675.** 101.143 (3) (g) of the statutes is renumbered 292.63 (3) (g) and  
25 amended to read:

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292.63 (3) (g) *Emergency situations*. Notwithstanding pars. (a) 3. and (c) 1. and 2., an owner or operator or the person may submit a claim for an award under sub. (4) after notifying the department under par. (a) 3., without completing an investigation under par. (c) 1. and without preparing a remedial action plan under par. (c) 2., if an emergency existed which made the investigation under par. (c) 1. and the remedial action plan under par. (c) 2. inappropriate and, before conducting remedial action, the owner or operator or person notified the department of safety and professional services and the department of natural resources of the emergency and the department of safety and professional services and the department of natural resources authorized emergency action.

**SECTION 1676.** 101.143 (3) (h) of the statutes is renumbered 292.63 (3) (h).

**SECTION 1677.** 101.143 (4) (title) of the statutes is renumbered 292.63 (4) (title).

**SECTION 1678.** 101.143 (4) (a) of the statutes is renumbered 292.63 (4) (a), and 292.63 (4) (a) 6. and 7., as renumbered, are amended to read:

292.63 (4) (a) 6. In any fiscal year, the department may not award more than 5% of the amount appropriated under s. ~~20.165 (2) (v)~~ 20.370 (2) (eu) as awards for petroleum product storage systems described in par. (ei).

7. In any fiscal year, the department may not award more than 5% of the amount appropriated under s. ~~20.165 (2) (v)~~ 20.370 (2) (eu) as awards for petroleum product storage systems that are owned by school districts and that are used for storing heating oil for consumptive use on the premises where stored.

**SECTION 1679.** 101.143 (4) (b) of the statutes is renumbered 292.63 (4) (b).

**SECTION 1680.** 101.143 (4) (c) of the statutes is renumbered 292.63 (4) (c), and 292.63 (4) (c) 12., as renumbered, is amended to read: